IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1141 OF 2003

The State of Maharashtra ...Appellant

Versus

Manoj Krishna Yelve & Anr. ...Respondents

Shri D.P.Adsule, A.P.P for the Appellant.

CORAM : A. S. OKA, J.

DATE : NOVEMBER 30, 2006.

P.C.:

1. Heard the learned A.P.P for the Appellant in support of prayer for grant of leave. The Respondents have been acquitted for offences punishable under section 452, 323, 504 read with section 34 of the Indian Penal Code.

2. According to the prosecution case, the complainant a was resident of village Surai, Taluka Mhasala, District Raigad. His father had constructed a new house near the old house from his own income. His father was employed at Dubai. On 16th May, 2001, in the morning, the Respondents came to the new house. The first Respondent demanded his share in the house. The allegation is that both the Respondents started

abusing the father of the complainant. The complainant and his brother intervened. The allegation is that the first Respondent caught the father and the second Respondent assaulted him on his face and chest.

3. The learned Trial Judge has considered the entire oral and documentary evidence on record. The learned Judge noted that there was a civil dispute pending over the property. The learned Judge found that in the complaint, the complainant stated that the second Respondent assaulted his father by fist and kick blows. However, the complainant did not say so before the court in his oral evidence. The learned Judge also considered evidence of other witnesses and found that their version was contradictory. The learned Judge also noted that none of the witnesses have stated the specific words of abuse allegedly uttered by the Respondents. Considering all these aspects, the learned Judge has passed an order of acquittal. I find that the view taken by the learned Judge is a possible view. No case is made out for grant of leave. Appeal is dismissed.

JUDGE